

REMARKS

I. Office Action

The office action rejected claims 1-6 and 9-11, which were all claims pending, under 35 USC 112 for lack of written description and lack of enablement. The basis for the rejections were the recitations in the claims of effective amounts relating to animal weight; see office action pages 8 and 9.

II. Telephone Interview With Examiner Gable

The undersigned spoke with Examiner Gabel on 6/27/2006 regarding proposed claim amendments deleting the "effective" language from the claims. Examiner Gabel stated that the written description rejections would not be proper as to the proposed claim amendments, and that an amendment presenting the claims deleting the "effective" limitations would be entered (that is, would not be deemed claims to a constructively non-elected invention resulting in the amendment not being entered and the application being abandoned) even though broader than the current claims. Examiner Gabel did not indicate that the new claims would be allowed.

III. Response to Office Action

In response, the applicant has amended the claims by deleting recitations "effective to" and the like, thereby mooting the written description rejections based upon recitations of effective amounts.

Claims 1-6 and 9-11 have generally been amended and/or replaced by claims 1-5 and 9-24. These claims include independent method of use claim 1, independent composition claim 16, and independent method of making claim 24. These three independent claims are substantial analogs of one another and therefore should not be subject to restriction. The dependent claims are also substantial analogs of one another.


IV. New Claims

New independent claims 25, 28, and 31 are substantial analogs of one another directed to the novel method of making, composition so made, and method of using - - the disclosed liposome-encapsulated anti-lipase antibody. Dependent claims depending therefrom recite features generally recited in the pre-existing claim set. Since these claims are broader than the pre-existing claims, and the pre-existing claims have already been searched, these claims should be examined. New claims 35-41 describe the composition, method of making, and method of using the novel composition, by defining the process disclosed in the specification at page 4 lines 9-17 (example 2) used to prepare the liposome - anti-lipase antibody composition. Since the disclosed liposome - anti-lipase antibody is believed to be novel, these claims should be allowed.

7/14/06

DATE

Truly,



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Date/time code: July 14, 2006 (10:34am)

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